

STATEMENT OF SUBSTANCE OF INTERVIEW

Applicant's representative met with the examiner on April 8, 2009 and discussed the independent claims and exhibits, both of actual examples of full-sized roofing tiles and the exhibits of record, showing the distinctive effect of the tiles of the invention. The rough, raised medallions as recited in the claims were discussed, and the examiner directed the discussion to the materials responsible for the distinctive size, shape, and protrusion of the medallions on tiles of the invention. The examiner suggested that a declaration or support in the specification for the significance of the material in obtaining the effects of the invention may be appropriate along with amendments directed to the significance thereof.

REMARKS

The Office Action mailed October 9, 2008 has been received and reviewed, as has the advisory action mailed February 10, 2009. A Response to Office Action was filed by Applicant on December 9, 2008 and a supplemental Response to Office Action on December 30, 2008. Applicant expresses appreciation for the interview courteously granted on April 8, 2009. By the Request for Continued Examination filed herewith, the Declarations, Exhibits, and associated arguments of record and previously not entered nor considered should be entered and considered. In addition the claims are amended herein to focus on the subject matter of the interview of April 8, 2009.

Claims 1-14, 17-60, and 62-63 are in the case. Claims 1 and 22 stand rejected under 35 U.S.C. § 102(b) over Shills. Claims 1, 22, and 39-41 stand rejected under 35 U.S.C. § 103(a) over Shills. Claims 2 and 44-53 stand rejected under 35 U.S.C. § 103(a) over Shills in view of Maurer. Claims 5-14, 17-21, 23-29, 31-43, and 45-60 stand rejected under 35 U.S.C. § 103(a)

over Shills in view of De Paoli. Claims 3, 4, and 39 stand rejected under 35 U.S.C. § 103(a) over Shills in view of Arpin. Claim 53 stands rejected under 35 U.S.C. § 103(a) over Shills in view of Maurer and Malettie. Claims 12, 17-20, and 54-60 stand rejected under 35 U.S.C. § 103(a) over Shills in view of Gundlach and Chaffee. Claim 61 stands rejected under 35 U.S.C. § 103(a) over Chaffee in view of Shills. Claim 62 stands rejected under 35 U.S.C. § 103(a) over Shills in view of Chaffee and Pollock.

Accordingly, Applicant has amended the claims to include language characterizing the material properties, as well as method steps more clearly articulating the steps for achieving the unique color and shape, and protrusion of the medallions formed by the impact of cementitious globs of material against the uncured tiles. In accordance with the examiner's suggestion, dependent claims were amended herein to articulate the range of materials proportions responsible. Support in the specification is found at page 43, lines 2-15 as well as other places in the specification, and in the claims originally filed in the case.

In view of the interview and previous Response to Office Action, Applicant respectfully asserts that the independent claims are amended conform to the distinguishable features suggested by the examiner. However, principally claim 3 and claims 23-24 are directed to the composition itself of the material forming the medallions, the subject matter of claims 23 and 24, whereas independent claims 1 and 62 are amended to more particularly point out the significance of the physical properties and method in achieving the resulting tiles. Meanwhile, new claim 63 is added to incorporate details requiring the method steps, material properties, and the material composition.

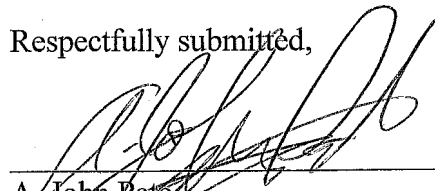
Applicant respectfully preserves for appeal and reincorporates by reference herein the previous arguments in response to the outstanding rejections in the Office Action of October 9, 2009.

Applicant also respectfully submits that the Declarations of James D. Brasher, William Palmer, and Michael Evans Under Rule 132 show secondary considerations of non-obviousness of the invention as claimed, including commercial success attributable to the claimed features of the invention and including the art-recognized, long-felt, unmet need satisfied by the invention as claimed thereby.

Applicant respectfully requests reconsideration and withdrawal of the rejections of all pending claims 1-14, 17-60, and 62, and affirmative consideration of newly added claim 63. In view of the foregoing, reconsideration is respectfully requested. In the event that the examiner finds any remaining impediment to the prompt allowance of any of these claims, which could be clarified in a telephone conference, the examiner is respectfully urged to initiate the same with the undersigned.

DATED this 9th day of April, 2009.

Respectfully submitted,


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